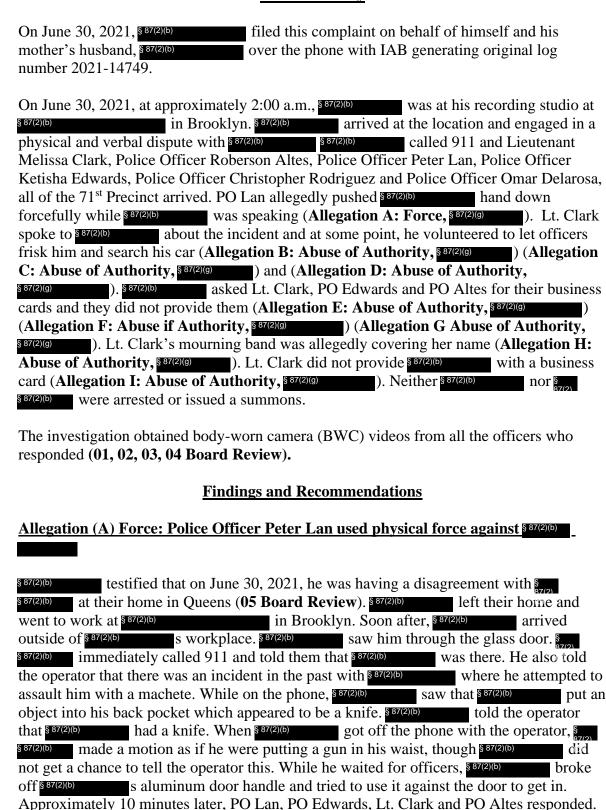
## CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Геат:	CCRB Case #:	V	Force		Discourt.	☐ U.S.
Tileyah Williams		Squad #3	202104135	Ø	Abuse		O.L.	☐ Injury
T. C. C.		CT 11		<u> </u>		T 10	M. GOV	FO GOT
Incident Date(s)		Location of Incident:		1	Precinct:		Mo. SOL	EO SOL
Wednesday, 06/30/2021 2:00 A	M (	Outside of § 87(2)(b)			71		2/30/2022	12/30/2022
Date/Time CV Reported	1	CV Reported At:	How CV Reported	:	Date/Time	Rec	eived at CCI	RB
Wed, 06/30/2021 3:46 AM		IAB	Phone	Tue, 07/13/2021 11:51 AM			[	
Complainant/Victim	Type	Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Peter Lan	08058	955756	071 PCT					
2. POF Ketisha Edwards	15424	967857	071 PCT					
3. LT Melissa Clark	00000	932472	071 PCT					
4. POM Roberson Altes	04490	934312	071 PCT					
5. PO Christopher Rodriguez	04501	964733	071 PCT					
Witness Officer(s)	Shield No	Tax No	Cmd Name					
1. PO Omar Delarosa	06614	964474	071 PCT					
Officer(s)	Allegation	1			Inve	stig	ator Recon	nmendation
A.POM Peter Lan	Force: Police Officer Peter Lan used physical force against \$87(2)(b)							
B.LT Melissa Clark	Abuse: Lieutenant Melissa Clark stopped § 87(2)(b)							
C.PO Christopher Rodriguez	Abuse: Police Officer Christopher Rodriguez frisked (8) 87(2)							
D.LT Melissa Clark	Abuse: Lieutenant Melissa Clark searched the vehicle in which sa7(2)(b) was an occupant.							
E.POF Ketisha Edwards	Abuse: Police Officer Ketisha Edwards failed to provide with a business card.							
F.LT Melissa Clark	Abuse: Lieutenant Melissa Clark failed to provide § 87(2)(b) with a business card.							
G.POM Roberson Altes	Abuse: Police Officer Roberson Altes failed to provide  887(2)(b) with a business card.							
H.LT Melissa Clark	Abuse: Lieutenant Melissa Clark obstructed her name.							
I.LT Melissa Clark	Abuse: Lieutenant Melissa Clark failed to provide with a business card.							

## **Case Summary**

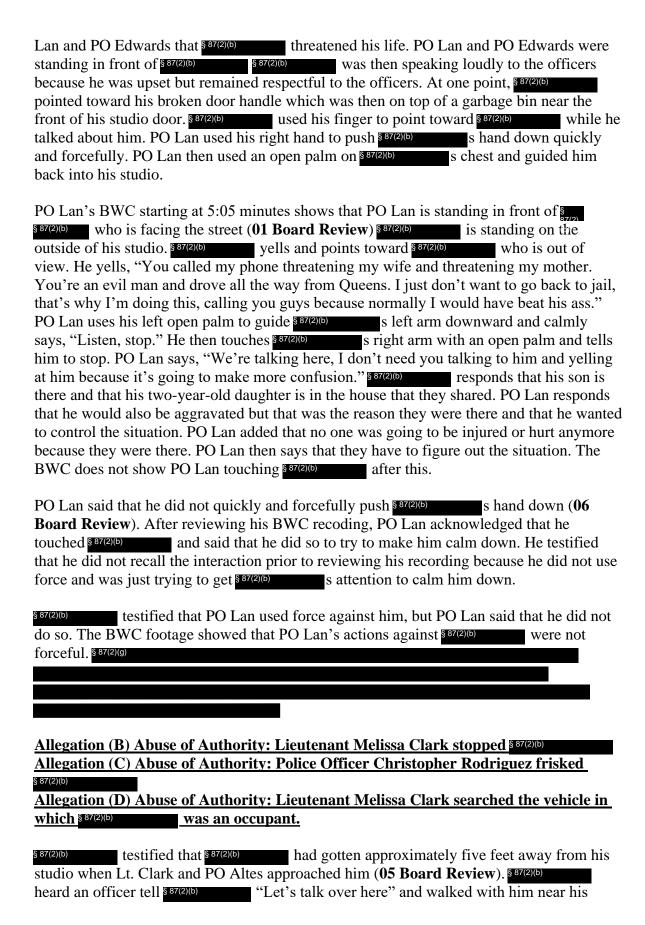


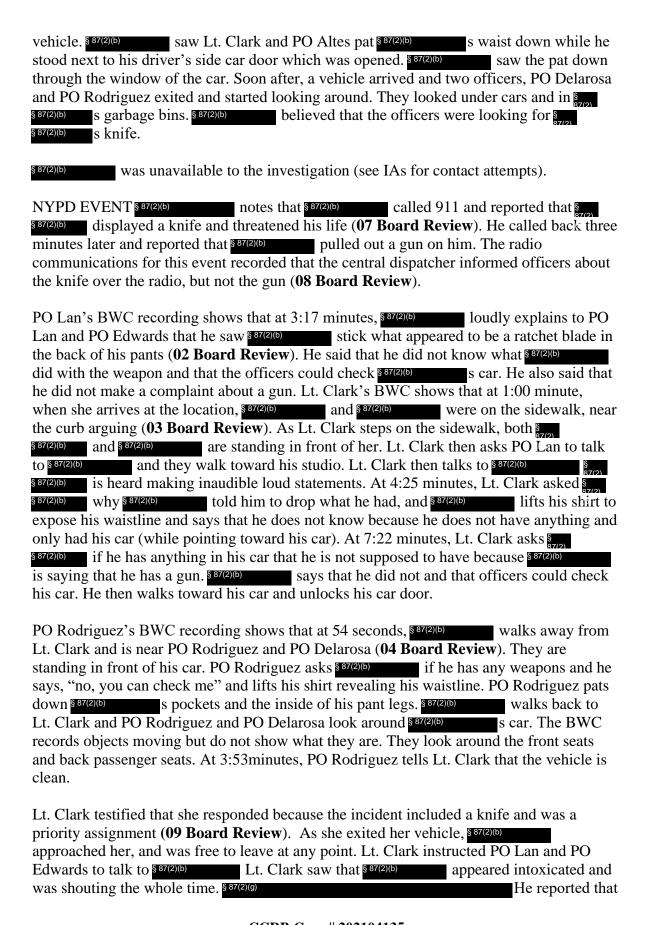
walked toward his car. Lt. Clark and PO Altes walked toward § 87(2)(b)

§ 87(2)(b)

while PO Lan and PO Edwards walked toward § 87(2)(b)

explained to PO





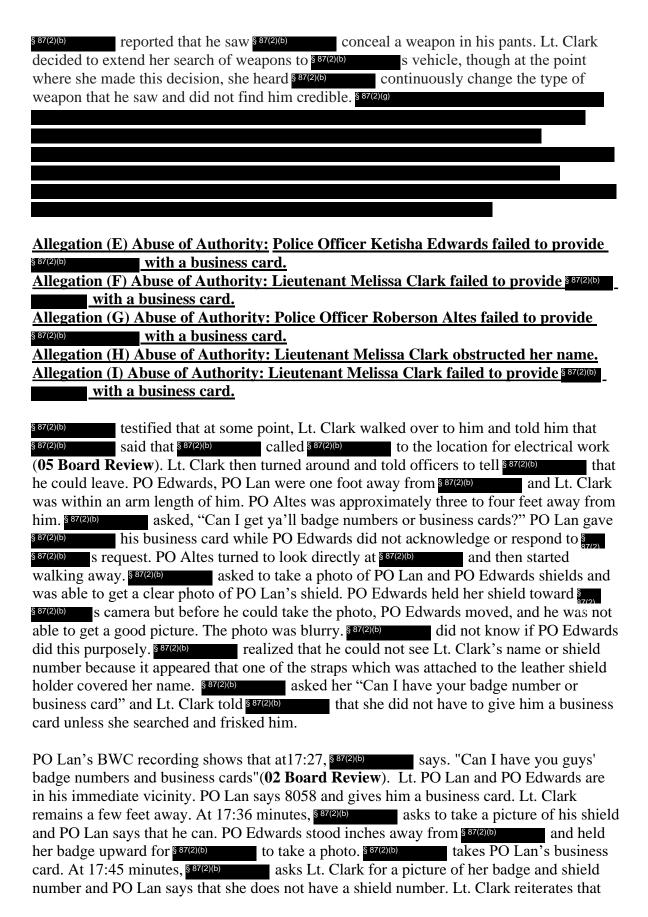
§ 87(2)(b)	had a knife but changed it to a pipe and then changed it again to a door
handle. He sa	aid that his son was §87(2)(b) old, and that the same son was at another point §
years old. At	one point, Lt. Clark told \$87(2)(b) that \$87(2)(b) said there was a
knife. § 87(2)(b)	voluntarily lifted his shirt to indicate that he did not have any
weapons. § 87(2	said, "You can see, I don't have anything on me, I came with a
jersey." § 87(2)(b	then voluntarily told officers that they could search his car. Lt. Clark
did not recall	telling PO Rodriguez to frisk §87(2)(b) and did not recall him doing so.
After review	ing her BWC, Lt. Clark said that she asked §87(2)(b) if he had anything
that he was n	ot supposed to have because the assignment came over as \$87(2)(b) having
a knife. She	did not know whether the central dispatcher provided information about a gun
or whether § 8	said something about a gun. Seeing the video did not help her
remember wl	nich officers she spoke to about checking §87(2)(b) s car. The officers
were searchin	ng for any weapons that §87(2)(b) mentioned, including the knife, gun,
pipe, and me	tal bar. When she told the officers that §87(2)(b) was going to open the car
for them, she	was implying that the officers should check the car for the weapons.

<u>People v. DeBour (40 NY2d 210 [1976])</u> notes where a police officer entertains a reasonable suspicion that a particular person has committed, is committing or is about to commit a felony or misdemeanor, officers are authorized to forcibly stop and detain that person (**10 Board Review**). Where a stop is reasonable, the right to frisk must be immediate and automatic if the reason for the stop is an articulable suspicion of a crime of violence People v. Mack, 26 NY2d 311 (1970) (**11Board Review**).

<u>People v. Creary, 2022 NYLJ LEXIS 482</u> notes that when officers attempt to gain access of a vehicle, they must have evidence of suspected criminality involving the vehicle (**12 Board Review**). New York Penal Law 120.14 notes that a person is guilty of menacing in the second degree when: He or she intentionally places or attempts to place another person in reasonable fear of physical injury, serious physical injury, or death by displaying a deadly weapon, dangerous instrument or what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm (**13 Board Review**). Menacing in the second degree is a class A misdemeanor.

The Right to Know Act requires officers seeking consent to search a vehicle to articulate, using plain and simple language delivered in a non-threatening manner, that the person who is the subject of the search is being asked to voluntarily, knowingly, and intelligently consent to such search, and explaining that such search will not be conducted if such person refuses to provide consent to such search. <a href="NYC Administrative Code">NYC Administrative Code</a> Section 14-173 (15 Board Review).

§ 87(2)(g)	



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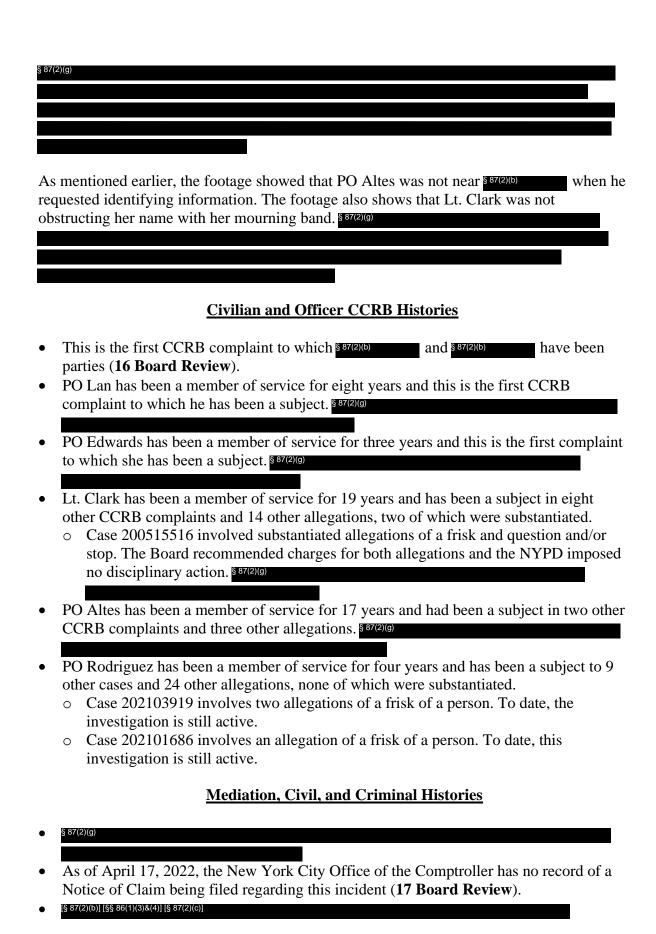
there is no number and he asks for her card at 17:54 minutes. Lt. Clark tells [887(2)(b)] that he can take a picture of her shield if she wants, and that she could give him a card if she stopped and frisked him and that she did not. At 17:50 minutes, the angle shows that Lt. Clark's name is clearly displayed and that she had a mourning band on, though it was not covering any of her information. At 18:02 minutes, [887(2)(b)] held his arms out and asked if she wanted to frisk him and she said that she was not touching him or asking to touch him.

PO Edwards was on extended leave and was not interviewed by the CCRB regarding this incident (14 Board Review).

Lt. Clark said that after §87(2)(b) asked for everyone's badge numbers and business cards, he then asked to take pictures of officer's shield numbers and badges (09 Board **Review**). Lt. Clark told him that he was free to take pictures. When PO Lan provided his business card and verbally said his shield number, §87(2)(b) said that he would rather have a picture of PO Lan's business card and took a photo. §87(2)(b) did not take PO Lan's business card. When \$87(2)(b) then asked Lt. Clark for identifying information, she told him that he could take a picture of her shield. §87(2)(b) did take a photo of Lt. Clark's shield and said that she was hiding her shield number. Lt. Clark had a mourning band on her shield which was in the center of her shield and not covering anything. She explained to §87(2)(b) that it was a mourning band and lifted the band so that s 87(2)(b) could see that it was not covering anything. Lt. Clark told s 87(2)(b) that she did not have a badge number but revealed her shield so that he could take a photo, which she felt was sufficient. When civilians ask Lt. Clark for her shield number, she provides her rank and her name, and she recalled that she provided this to \$87(2)(b) Lt. Clark knew that she was supposed to provide business cards when civilians ask, but she told that she could not give him a business card unless she searched and frisked him. She did not have an issue with providing her business card but believed that after took a photo of her shield, that he had all the information that her business card would have provided. Lt. Clark did not offer \$87(2)(b) her business card because when PO Lan offered the business card, \$87(2)(b) said that he would rather take a photo of it. It seemed to be his preference that he would rather have a photo. Lt. Clark did not provide with a business card because he did not ask for one.

Administrative Guide 304-11 notes that officers should courteously and clearly state their rank, name, shield number and command or otherwise provide them to anyone who requests them to do so (16 Board Review). Officers must also offer Right to Know Business Cards at the conclusion of law enforcement activities (excluding summons issuance, arrests, or exigent circumstances). The guide also notes that officers should provide business cards at the request of members of the public.

When \$87(2)(b) requested identifying information from officers, PO Edwards and Lt. Clark were able to hear him, though PO Altes was not. PO Edwards held up her shield for to take a photo but did not provide her business card. Lt. Clark noted that she believed that \$87(2)(b) was satisfied with a photo of her shield, however the footage shows that he repeatedly asked for a business card, and she refused. \$87(2)(b)



## Squad: \_\_\_\_\_3 Investigator: Tileyah Williams Investigator Tileyah Williams 10/7/2022 Signature Print Title & Name Date Squad Leader: Rolando Vasquez IM Rolando Vasquez 10/7/2022 Print Title & Name

Signature

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Date